

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

BOBBY T. SHEPPARD,

Petitioner,

-vs-

NORMAN ROBINSON, Warden,
Chillicothe Correctional Institution,

Respondent.

:

Case No. 1:12-cv-198

:

District Judge Gregory L. Frost
Magistrate Judge Michael R. Merz

:

DECISION AND ORDER

This capital habeas corpus case is before the Court on Petitioner's Motion for Leave to File a Second Amended Petition (ECF No. 64). The Warden opposes the Motion (ECF No. 65) and Sheppard has file a Reply in support (ECF No. 66).

Motions to amend under Fed. R. Civ. P. 15 are non-dispositive under 28 U.S.C. § 636(b)(1)(A) and thus come within the decisional authority of Magistrate Judges in the first instance, in referred cases.

The Motion closely parallels the Motion to Amend filed by capital habeas petitioner Walter Raglin in Case No. 1:00-cv-767 who is also represented by Attorneys Carol Wright and Allen Bohnert. For the same reasons given in that case for denying the Motion to Amend, the Motion in this case is likewise DENIED. Sheppard may move again to amend not later than

October 5, 2015. If he does so, he must state plainly how the claims he wishes to plead here differ from the claims he has pled in *In re Ohio Lethal Injection Protocol Litig.*, Case No. 2:11-cv-1016.

September 15, 2015.

s/ ***Michael R. Merz***
United States Magistrate Judge